

1 AN ACT relating to essential caregivers and declaring an emergency.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 216.505 is amended to read as follows:

4 (1) As used in this section:

5 (a) **"Health facility" has the same meaning as in KRS Chapter 216B;**

6 **"Health service" has the same meaning as in KRS Chapter 216B; and**

7 **"Medicaid waiver service" means a medical service provided under the**

8 **acquired brain injury, the Michelle P. waiver, the supports for community**

9 **living, or the home and community based waiver programs**~~["Community"~~

10 ~~means assisted living community as defined in KRS 194A.700;~~

11 ~~(b) "Facility" includes long term care facilities as defined in KRS 216A.010 and~~

12 ~~residential long term care facilities as defined in KRS 216.510; and~~

13 ~~(c) "Mental hospital" means a state owned or operated mental or psychiatric~~

14 ~~hospital].~~

15 (2) Notwithstanding any state law to the contrary, the Cabinet for Health and Family

16 Services shall require a **health facility, health service, or Medicaid waiver**

17 **service**~~[community, a facility, and a mental hospital]~~ to permit in-person resident

18 visitation by at least one (1) essential personal care visitor, including a family

19 member, legal guardian, outside caregiver, friend, or volunteer who is important to

20 the mental, physical, or social well-being of the resident.

21 (3) The cabinet shall, within fourteen (14) days of **the effective date of this**

22 **Act**~~[February 7, 2022]~~, promulgate administrative regulations in accordance with

23 KRS Chapter 13A that, subject to applicable federal requirements:

24 (a) Establish procedures for a resident to designate at least one (1) essential

25 personal care visitor and procedures to change the designated essential

26 personal care visitor;

27 (b) Exempt an essential personal care visitor, **including during a communicable**

1 disease outbreak in a health facility, health service, or Medicaid waiver
2 service, regardless of the resident's communicable disease status, from any
3 prohibitions on visiting a resident of a health facility, health service, or
4 Medicaid waiver service~~[community, a facility, or a mental hospital]~~ other
5 than the requirements in this subsection;

6 (c) Require an essential personal care visitor to follow safety protocols of the
7 health facility, health service, or Medicaid waiver service~~[community, the~~
8 ~~facility, or the mental hospital]~~;

9 (d) Require an essential personal care visitor to assume a risk of contracting
10 communicable diseases, provided the health facility, health service, or
11 Medicaid waiver service~~[community, the facility, or the mental hospital]~~ is
12 compliant with the Kentucky Department for Public Health guidelines;

13 (e) Permit a health facility, health service, or Medicaid waiver
14 service~~[community, a facility, or a mental hospital]~~ to require a written
15 visitation agreement with an essential personal care visitor;

16 (f) Permit a health facility, health service, or Medicaid waiver
17 service~~[community, facility, or mental hospital]~~ to limit visitation of an
18 essential personal care visitor to the resident or residents he or she is approved
19 to visit;

20 (g) Permit a health facility, health service, or Medicaid waiver
21 service~~[community, facility, or mental hospital]~~ to limit the total number of
22 essential personal care visitors allowed in the health facility, health service,
23 or Medicaid waiver service~~[community, facility, or mental hospital]~~ at any
24 one (1) time; and

25 (h) Except as provided in this section, do not require a health facility, health
26 service, or Medicaid waiver service~~[community, facility, or mental hospital]~~
27 to permit an in-person visitor at all times.

1 ➡Section 2. Whereas, the General Assembly recognizes that the mental, physical,
2 and social well-being of residents in health facilities is greatly enhanced by assistance
3 from essential personal care visitors, an emergency is declared to exist, and this Act takes
4 effect upon its passage and approval by the Governor or upon its otherwise becoming a
5 law.